

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, October 23, 2001

Tuesday, 9:06 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Richard Taylor, Baha'i Faith of Derby, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The Minutes of the regular meeting of October 16, 2001, were approved 7 to 0.

AWARDS AND PRESENTATIONS

PROCLAMATIONS

Proclamations previously approved were presented.

AWARD

Pride of the City Award was presented to Carl Bell, Jr.; the Century II Convention Hall was also named after Carl Bell, Jr.

RECESS

The City Council recessed at 9:48 a.m. for Mr. Bell's reception and reconvened at 10:10 a.m.

PUBLIC AGENDA

Sybil Strum – Injustice.

Sybil Strum

Sybil Strum spoke regarding her sense of injustice. Some people do illegal things and are not punished; others are punished unequally. She has lost faith in justice system. Contacts to the Police Department are ignored.

Ms. Strum also said the City should encourage retention of homes in the City by making assistance available to those in need instead of razing the structures.

UNFINISHED BUSINESS

CON2001-00047

**CON2001-00047 – CONDITIONAL USE TO PERMIT A DAY REPORTING CENTER –
GENERALLY LOCATED NORTH OF 33RD STREET NORTH, EAST OF OHIO AVENUE.**
(District VI)

Agenda Report No. 01-1100A.

The applicant is seeking a Conditional Use to permit a "day reporting center" (DRC). "Day reporting centers" are defined by the Unified Zoning Code as "a facility that provides non-residential community

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supervision services to individuals or offenders who are under supervision of a court and any of whom are required to report to the facility for or more days per week six or more hours per day.” The applicant indicates that clients who are to report to this facility will be provided supervision, counseling and life-skill training in a highly structured and supervised setting. The application area is located approximately 350 feet north of 33rd Street North, immediately east of north Ohio Avenue. The site is five acres in size and is zoned “GI” General Industrial. A 9,940 square foot building is to be placed in the western third of the application area. Fifty-one parking spaces are to be provided adjacent to Ohio. The applicant is seeking a Conditional Use to permit a “day reporting center (DRC).” “Day reporting centers” are defined by the Unified Zoning Code as “a facility that provides non-residential community supervision services to individuals or offenders who are under supervision of a court and any of whom are required to report to the facility for three or more days per week for. The DRC is designed to process 120 clients. The site plan indicates the potential for an additional 7,200 square foot building some time in the future.

The need for this facility is a result of the approval of 2000 Senate Bill 323 that requires Topeka, Kansas City, Kansas, and Wichita to provide community supervision services in lieu of the state building additional prison beds. These services are funded 90% by a federal grant. Community Solutions, Inc. has a five-year contract, renewable annually, to provide these required services in Wichita. Community Solutions, Inc. has previously attempted to locate this facility in the Twin Lakes Shopping located nearby. That application was withdrawn due to community opposition. The applicant then evaluated at least 50 sites in an attempt to find one that would be acceptable to a larger segment of Center. Twin Lakes is a traditional urban shopping center located at the intersection of two arterials with residential uses the community and meets site location standards. (Some of the location standards are listed below.) If the City actively works with the Secretary of Corrections to identify a suitable location, the Secretary is required to consider the views of the City and local residents before making the final site selection. Otherwise, the Secretary potentially has the authority to pick a location and order a “day reporting center” in without regard to local zoning (2001 Senate Bill 57, sec. 148). The Department of Corrections is attempting to work with the community to find an acceptable location.

The application area is part of a much larger area that is zoned “GI” General Industrial. Uses located near the site include: warehousing, trucking / shipping, concrete cutting, Interstate 135 and a municipal utility. There are also undeveloped tracts located nearby. In comparison to other sites evaluated, this location is not located near residences, schools, taverns, correctional placement facilities / day reporting centers, group homes or businesses which attract children.

The “GI” zoning district permits the most intensive land uses, and is the least restrictive zoning district, in the city’s zoning code. “Day Reporting Centers” require a Conditional Use in either the “LI” Limited Industrial or “GI” General Industrial districts. “DRC’s” are not permitted in any other zoning districts. The use is listed in the zoning code under the general land use heading of “Public and Civic.” Day reporting centers must also be in compliance with all federal, state and local regulatory requirements and if such facilities are not operated directly by a unit of government, they shall meet licensure requirements that further specify minimum service standards. Local licensing standards include a requirement to be located 1,200 feet from parks, schools, day care centers/facilities, businesses that cater to children, offices or group homes for the mentally disabled, residential districts, correctional placement facilities or day reporting centers.

Staff recommended approval of the request subject to: development and maintenance of the site in conformance with the approved site plan; all applicable permits shall be obtained; the site shall be rendered null and void if not operated in a manner consistent with the Conditional Use and the applicant has one year to begin operations or the permit is null and void.

The Metropolitan Area Planning Commission considered the application on September 6, 2001, and recommended denial (7-1-1). At the public hearing, seven individuals, mainly nearby business and property owners, spoke in opposition. These speakers cited concerns regarding: safety of employees, depreciation in value of their businesses and/or property, a stifling of continued industrial development in the area and increased vandalism. Two others spoke in support of placing the facility at the proposed location.

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This report was prepared before the end of the 14-day period after the MAPC hearing for filing of protest petitions. Protest percentages will be provided to the City Council prior to the Council meeting.

Motion -- carried

Fearey moved that the Item be deferred for 60 days. Motion carried 7 to 0.

NEW BUSINESS

VEHICLE TAX

VEHICLE RENTAL OCCUPATION TAX.

Mayor Knight declared a conflict of interest and abstained from participation.

(Knight left the Bench; Vice Mayor Pisciotte in the Chair).

Ray Trail

Director of Finance reviewed the Item.

Agenda Report No. 01-1193

There are a wide variety of taxes and fees imposed on vehicle rental revenues. Nearly all states impose a sales tax on vehicle rentals (locally, this includes a 4.9% state sales tax and a 1% county sales tax). Many, but not all, states also impose a statewide excise tax on vehicle car revenue (in Kansas, the rate for this tax is 3.5%, which is offset by an exemption from motor vehicle taxes on rental vehicles).

In recent years, many U.S. cities have imposed local taxes and fees on rental vehicle revenue to benefit economic development and tourism-related initiatives. The City of Wichita imposes no such local tax or fee, although the Airport assesses a 10% concession fee. Though this fee is consistent with similar fees assessed by most airports around the country, it does place airport-based rental vehicle companies at a competitive disadvantage with their non-airport-based peers. In Wichita, the total tax and fee rate on airport-based rental vehicle transactions is 19.4%. In a sampling of over 30 mid-sized U.S. cities the total tax and fee percentage for airport rentals averages 21.3% (in addition to which, many cities also assess a flat surcharge averaging \$1.22). It is proposed to initiate a Vehicle Rental Occupation Tax for designated purposes as the City Council deems appropriate. The revenues from such an occupation tax can be earmarked to further the goals of the Tourism Initiative, including promotion of low airfares.

The recommended Vehicle Rental Occupation Tax in Wichita is proposed to accomplish three objectives: 1) not increase the total rate for airport-based vehicle rental companies and retain the City's current competitive rate advantage against the average rate for mid-sized cities; 2) narrow the margin in tax and fee rates between airport-based vehicle rental companies and their non-airport-based competitors while retaining a significant concession fee for airport-based vehicle rental companies who enjoy special market share benefits from access to the Airport campus and to the Airport customer base; and 3) create resources to support the initiatives for tourism and lower airfares.

The plan of finance enacts a \$1 per rental day occupation tax together with reduction of the Airport concession fee from 10% to 8%. While the reduction of the concession fee at the Airport will impact annual Airport income, the Airport budget is favorably positioned to absorb the marginal reduction in revenues. The City can also use a portion of the funds generated by the city-wide vehicle rental tax as part of the funding for local initiatives promoting lower cost airfares in Wichita (or other initiatives promoting aviation and airport-related development).

City-wide, each percentage point generates approximately \$330,000 annually. A flat rate per rental vehicle day generates approximately \$700,000. The flat tax will generate a slightly larger percentage of revenue than a comparable percentage tax because the base daily rental rate for a vehicle is typically far less than \$100 (usually around \$45). The proposal would result in an overall rate (for airport rentals) of 17.4% plus a \$1 surcharge, thus lowering the City's total average even further below the mid-sized city average, and at the same time closing the differential between vehicle rental companies within Wichita.

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It is expected that the proposed occupation tax would generate approximately \$700,000 annually, less expenses for the administration (i.e. collection, auditing, etc.) of the occupation tax City-wide. The administrative costs would total about \$75,000 in 2002.

The City of Wichita has authority under KSA 12-194 to implement an occupation tax. To create a Rental Vehicle Occupation Tax, the Law Department has advised following the provisions of KSA 12-137. This would require the enactment of an ordinance by a 2/3 vote; publishing the ordinance for two weeks; and making the tax effective 61 days after the final publication.

Vice-Mayor Pisciotte

Vice-Mayor Pisciotte inquired if anyone wished to be heard.

Mindy Dodd

Mindy Dodd, Enterprise, said this kind of tax is usually aimed at non-residents; however, of 95 percent of Enterprise' customers live in Wichita. It is estimated that over 50 percent of all vehicle rentals in Wichita are to local customers.

The car rental industry has been significantly impacted by occurrences during the past 90 days. Enterprise has been forced to sell cars at a loss due to operating expenses and a loss of customers. This tax is like kicking someone when they are down.

Ms. Dodd said Airport Terminal car rental agencies have extra privileges such as counter space. It would be unfair for all to pay the same rate.

Ms. Dodd offered to be on some type of committee to study the issue.

Richard Kirkham

Richard Kirkham, General Manager of Hertz, spoke in opposition to the tax. Travel agency business has decreased. Leisure travelers will be hit with the tax. Mr. Kirkham also asked how the City arrived at the \$700,000 estimate.

Joe Johnson

Joe Johnson, immediate past Chair of the Greater Wichita Convention Bureau, and of Shaefer, Cox, Johnson, Frey Associates, P.A., said he is a user of rental cars. The tax proposed is a reasonable source of new money to promote convention and tourism. Mr. Johnson spoke in support of the proposed Ordinance and tax.

Gerald Holman

Gerald Holman, representing the Chamber of Commerce, spoke in favor of broad-based support for tourism. The support is essential for success.

Ray Trail

Director of Finance, responding to questions, explained that eight years ago, the Airport was in serious financial circumstance. A plan was crafted to secure the financial of the Airport. The debt obligations of the Airport have dropped significantly and the net income exceeds expenses by a comfortable margin. A two percent reduction of the Airport fee would allow the airport to continue to generate net profit.

Council Member Lambke

Council Member Lambke said companies at the Airport are doing business there voluntarily. The proposed tax seems to benefit Airport operators at the expense of operators away from the Airport. The City is trying to get tourism which depends on the friendliness of people and businesses. Tourism should not be destroyed by raising taxes. To increase business, prices should be lowered. There should be a better and more fair solution to increase revenue.

Ray Trail

Director of Finance, continuing to respond to questions, said the City Council will have, as the Airport Authority, the opportunity to make a decision on whether or not to lower the Airport Concession Fee. If the City Council desires, the \$1 per day fee can be implemented and the concession fee can be retained.

As proposed, the \$1 per day would be applied to all vehicles. The \$1 per vehicle would generate more than a two percent gross transaction fee.

The estimate of revenues was made prior to some of the recent events. The actual revenue will be reduced until the economy regarding vehicle rentals stabilizes.

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Council Member Pisciotte Council Member Pisciotte stated that, during his travel throughout the Country, he paid taxes larger in other areas. This tax is about economic development and creation of jobs. The City needs a revenue source to entice air carriers.

Council Member Martz Council Member Martz suggested a deferral of the Item and said he did not want to vote until he had an opportunity to read the Ordinance.

Motion -- Martz moved that this Item be deferred two weeks.

Subst. Motion -- Pisciotte moved a substitute motion that the Ordinance be placed on first reading. Substitute motion
-- died died for lack of second.

-- carried Motion carried 5 to 1. Pisciotte – No. (Knight absent)

Mayor Knight present; Vice Mayor Pisciotte in the Chair.

M.C. JUDGES

CHARTER ORDINANCE AMENDMENT REGARDING MUNICIPAL COURT JUDGES;

Gary Rebenstorf Director of Law reviewed the Item.

Agenda Report 01-1209.

A study was conducted to establish formalized procedures to evaluate the performance and reappointment of municipal court judges by the City Council.

City staff consulted members of the legal community regarding options available to evaluate the performance of the Municipal Court Judges and evaluation procedures from other jurisdictions were reviewed. Based on the information obtained and the research performed, it is recommended that the City Council establish a process for evaluating the municipal court judges to determine qualifications for office and merit pay increases.

The proposed amendments provide that the municipal court judges will be evaluated annually. The evaluations may also be used by the City Council in determining whether a judge should be reappointed to another term in office. The ordinance amendments authorized evaluation procedures to be established by the City Council.

Mayor Knight Mayor Knight inquired if anyone wished to be heard.

Ross Hollander Ross Hollander, President of the Wichita Bar Association, said judges should be able to make decisions without worry about impact on retention of job. Mr. Hollander asked that the City Council consider the ability of judges to make decisions independently. Regarding Section 2, Mr. Hollander said the key issue is to attract and retain good people. It is suggested that if the Council is going to bind itself to creating an evaluation system, the Council ought to bind itself to considering the evaluation.

Motion -- carried Pisciotte moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

CHARTER ORDINANCE

A Charter Ordinance amending Section 5 of Charter Ordinance No. 90 and Section (1)(E) of Charter Ordinance No. 186 pertaining to the compensation and appointment of Municipal Court Judges, and repealing the originals of said Sections, introduced and under the rules laid over.

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Mayor Knight in the Chair.

CITY COUNCIL AGENDA

APPOINTMENTS

Motion --
-- carried

BOARD APPOINTMENTS.

Martz appointed the following to the Board of Appeals, Plumbers and Gas Fitters, and Electrical Appeals and moved that the appointments be approved. Motion carried 7 to 0.

Board of Appeals:

Refrigeration contractor – Ray Fredrick
Journeyman AC Mechanic – Kerry McCartney
Boiler Contractor - Blaine Thorp
Public at large – Lee Kershen
Mechanical Engineer – John Moody
Journeyman Boiler – Gary Highfill
AC WAH Contractor – Robert Stith

Plumbers and Gas Fitters:

Mechanical Engineer – Patrick Johnson
Mechanical Contractor – Ken Englert
Journeyman Plumber – Ron Means
Master Plumber – Terry Irwin

Electrical Appeals:

Public at large – Larry Hackney
Mobile Home Tech – David Kratz
Journeyman Electrician – Robert McFadden
Professional Engineer – Dale Johnson
Master Electricians – Roy Meinhardt and John Whittit
Journeyman Electrician – Larry Clark

CONSENT AGENDA

Knight moved that the Consent Agenda, including addendum Item 21c, and except 23a, be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED OCTOBER 22, 2001.

Bids were opened October 19, 2001, pursuant to advertisements published on:

21st Street North and I-135 Interchange waterline relocation - 21st Street North and I-135. (448-89539/636101/77180) Traffic to be maintained during construction using flagpersons and barricades. (District I, VI); 21st Street North and I-135 Interchange sanitary sewer relocation - 21st Street North and I-135. (468-83203/620307/661431) Traffic to be maintained during construction using flagpersons and barricades. (District VI); AND Sanitary sewer relocation at 21st Street North and Piatt - 21st Street North and I-135. (468-83199/620303/661427) Traffic to be maintained during construction using flagpersons and barricades. (District I)

WB Carter Construction - \$446,131.00 (Total aggregate bid)

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Water distribution system to serve Patterson Gardens Addition - along Flora, north of Central. (448-89618/634015/771186) Traffic to be maintained during construction using flagpersons and barricades. (District VI); AND water distribution system to serve Patterson Gardens Addition - along Flora, north of Central. (448-89561/735010/470680) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

K C Excavating - \$15,648.00 (Total aggregate bid)

Central and Ridge Road Phase II Landscaping - Central and Ridge Road Phase II Landscaping. (472-83285/706805/200271) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Complete Landscaping - \$64,803.16

Water distribution system to serve Rocky Creek Addition and Rocky Creek Second Addition - north of 13th Street North, east of 127th Street East). (448-89617/735028/470698) Does not affect the existing traffic. (District II)

Nowak Construction - \$9,946.00

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: City Council Chambers Room/Technology Renovations Project 2709.00. (791566)

Compton Construction - \$284,400.00 (total net base bid)
\$ 84,100.00 (Alternate #1)
\$ 385.48 (Unit price per seat/alternate #1)

AIRPORT AUTHORITY/Liquid Deicer for Runways. (190017)

Cryotech Deicing Technology - \$2.37 (Cost per gallon)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDING DIVISION: Portable Screening Plant. (131376)

The Victor L. Phillips Co. - \$164,643.00 (Total net bid)
\$ 2,500.00 (Option 1/total)
\$ 4,322.00 (Option 2/total)
\$ 660.00 (Option 3/total)
\$ 10,779.00 (Option 4/total)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

CMB

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2001</u>	<u>(Consumption on Premises)</u>
William H. Smith	WSU dba Rhatigan Student Center*	1845 Fairmount
Telesa Avasquez	El Patio Inc.*	424 East Central

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

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Motion --
-- carried

Knight moved that the License Applications be approved subject to Staff review and approval. Motion carried 7 to 0.

PLANS AND SPECS.

PLANS AND SPECIFICATIONS.

a) Improving and widening Maple from 135th Street West to 119th Street West - north of Kellogg, 135th West to 119th West. (87 N-0195-01/472-83262/706817) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 5/8/2001.

Motion --
-- carried

Knight moved that the plans and specifications be approved and advertised for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., November 27, 2001. Motion carried 7 to 0.

PRELIMINARY ESTS.

PRELIMINARY ESTIMATES:

a) (Amended) 135th Street West, from ½ mile north of Kellogg to Maple. (472-83062/765578/490-689). Traffic to be maintained during construction using flagpersons and barricades. (District V). Total estimated cost- \$813,000.00.

b) (Amended) Museum District Boulevard. (472-83228/706795/200-248). Traffic to be maintained during construction using flag persons and barricades. (District VI). Total estimated cost- \$2,800,000.00.

c) (Amended) Lateral 467, Southwest Interceptor Sewer to serve Shelly's Orchard Addition. (468-83218/743868/480-556). Traffic to be maintained during construction using flag persons and barricades. (District V). Total estimated cost - \$196,880.00.

d) (Amended) Taft Court, from the north line of Taft to and including the cul-de-sac, West Millbrook Addition. (472-83193/765624/490-735). Traffic to be maintained during construction using flag persons and barricades. (District V). Total estimated cost- \$49,290.00.

e) (Amended) Lateral 22, Main 13, War Industries Sewer to serve One Kellogg Place 2nd Addition. (468-83225/743871/480-559). Traffic to be maintained during construction using flag persons and barricades. (District II). Total estimated cost - \$242,320.00.

f) Intersection improvements at 21st Street North and Arkansas Avenue-N/A - 21st Street North and Arkansas. (87 N-0194-01/472-82783/706799/200249) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$969,835.00

g) Water main replacement at 21st Street North and Arkansas Avenue, N/A - 21st Street North and 89102/636110/771508) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$99,185.00

h) Parkridge from the north line of Lot 28, Block C, north to the south line of Ryan; Ryan from the east line of 119th Street West, east to the west line of Ryan Place; Ryan Place from the north line of Ryan, north, east, south, and west back to the east line of Ryan; Ryan Courts from the north line of Ryan, north to and including the cul-de-sac, from the south line of Ryan, south and east to and including the cul-de-sac; Parkridge Court from the east line of Parkridge, east to and including the cul-de-sac and; sidewalk on one side of Ryan and Parkridge to serve West Ridge Estates - south of 29th Street North, east of 119th Street West. (472-83235/765691/490802) Does not affect existing traffic. (District V) - \$671,000.00

i) 34th Street North from a point 600 feet east of the east line of Ridge Road, east to the east line of Lot 15, Block C, Ridge Port North 4th Addition; on Hazelwood, from the south line of the plat, north to the south line of 34th Street North; and on Ridge Port, from the north line of 34th Street North, north to the north line of Lot 10, Block A, Ridge Port North 4th Addition. 34th Court North, from the north line of 34th Street North, north to and including the cul-de-sac; and on Hazelwood Court, from the east line of Hazelwood, east to and including the cul-de-sac. Sidewalk to be constructed along one side of

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34th Street North from a point 600 feet east of the east line of Ridge Road, east to the east line of Lot 15, Block C, Ridge Port North 4th Addition; and along one side of Ridge Port, from the north line of 34th Street North, north to the north line of lot 10, Block A to serve Ridge Port North Third and Fourth, Ridge Port North - south of 37th Street North, east of Ridge. (472-83275 / 472-83113/765657 / 765700/490768 / 490811) Does not affect existing traffic. (District V) - \$1,002,000.00

j) Storm Water Drain 142 & 159 to serve Gateway Center Addition - south of 13th Street North, east of Greenwich. (468-82975 / 468-83208/751295 / 751294/485186 / 485185) Does not affect existing traffic. (District II) - \$357,750.00

k) 2001 contract maintenance, South Broadway Bridge over the railroad tracks expansion joint and deck repairs - south of 31st Street South on Broadway. (472-83427/706809/405274) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$140,000.00

l) Lateral 316, Four Mile Creek Sewer to serve Rocky Creek Second Addition - north of 13th Street North, east of 127th Street East. (468-83325/743886/480574) Does not affect existing traffic. (District II) - \$164,000.00

m) Storm Water Sewer 541 to serve Ridge Port North Third and Fourth Additions - south of 37th Street North, east of Ridge. (468-83165/751303/485194) Does not affect existing traffic. (District V) - \$398,000.00

Motion -- carried Knight moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

DEEDS/EASEMENTS DEEDS AND EASEMENTS:

a) Sanitary Sewer Easement from the City of Wichita, Kansas, a Municipal Corporation, for a tract located in the NE 1/4 of Section 2, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas (Sanitary Sewer NW of 31st S. & Oliver, OCA #622230). No cost to City.

Motion -- Knight moved that the documents be received and filed; and the necessary signatures be authorized
-- carried Motion carried 7 to 0.

WATER SYSTEM PETITION FOR WATER DISTRIBUTION SYSTEM TO SERVE MEL HAMBELTON ADDITION – EAST OF 119TH STREET WEST, SOUTH OF KELLOGG. (District V)

Agenda Report No. 01-1194.

The Petition has been signed by one owner, representing 100% of the improvement district.

This project will extend water service to a commercial development on the east side of 119th Street West, south of Kellogg.

The Petition totals \$74,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-432

Resolution of findings of advisability and Resolution authorizing Improving of water Distribution System Number 448-89622, (east of 119th Street West, south of Kellogg), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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SANITARY SEWER

PETITION FOR SANITARY SEWER TO SERVE PART OF SOUTHWEST INDUSTRIAL ADDITION – NORTH OF PAWNEE, WEST OF MERIDIAN. (District IV)

Agenda Report No. 01-1195.

The Petition has been signed by one owner, representing 100% of the improvement district.

This project will extend sanitary sewer service to a commercial development on the north side of Pawnee, west of Meridian.

The Petition totals \$14,850. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-433

Resolution of findings of advisability and Resolution authorizing construction of Lateral 11, Main 16, Sanitary Sewer No. 22 Southwest Industrial Addition, (north of Pawnee, west of Meridian) 468-83314, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

District II Advisory Board, 7-16-2001

District VI Advisory Board 8-6-2001

District II Advisory Board, 8-6-2001

Board of Park Commissioners, 8-20-2001

District II Advisory Board, 8-20-2001

Police & Fire Retirement System Board, 8-22-2001

Wichita Employees Retirement System Board, 8-22-2001

Alternative Correctional Housing Board, 8-23-2001

Wichita Airport Advisory Board, 9-4-2001

Board of Code Standards and Appeals, 9-10-2001

Board of Electrical Appeals, 9-11-2001

Library Board of Directors, 9-18-2001

Design Council, 9-20-2001

Deferred Compensation Board of Trustees, 9-20-2001

Board of Appeals of Refrigeration, Air Conditioning, Warm Air Heating and Boilers, 9-27-2001

Board of Appeals of Plumbers and Gas Fitters, 10-3-2001

Motion -- carried

Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures submitted.

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ONE KELLOGG

SUPPLEMENTAL – ONE KELLOGG PLACE SECOND ADDITION – SOUTH OF KELLOGG, EAST OF GREENWICH. (District II)

Agenda Report No. 01-1209.

The City Council approved the project on April 3, 2001. On July 10, the City approved an Agreement with Baughman Company, P.A. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and Baughman provides for construction engineering and staking for the improvements in One Kellogg Place 2nd Addition. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$43,800 and will be paid by General Obligation Bonds.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

KS CENTRAL RR

KANSAS CENTRAL RAILWAY RIGHT-OF-WAY AGREEMENT. (District V)

Agenda Report No. 01-1196.

In November 1999 the State of Kansas, Sedgwick County, and the City entered into an Agreement with Central Kansas Railway to abandon a rail line between Kingman and the West/McCormick intersection in Wichita. Within the City of Wichita this line generally runs along the south side of Kellogg.

On September 28, 2001, the Surface Transportation Board authorized the abandonment of this line.

City Staff has negotiated an Agreement with Kansas Central Railway whereby the City will receive the railroad right-of-way between Hoover Road and 119th Street West. Sedgwick County will obtain the railroad right-of-way between 119th Street West and 135th Street West.

Following public comment, the City Council can determine what sections should be retained for public purpose, and what should revert to the original landowner.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

LEGAL SERVICES

AMENDMENT TO AGREEMENT WITH EDWARD J. HEATH, JR. FOR LEGAL SERVICES.

Agenda Report No. 01-1197.

The City has retained Edward J. Heath, Jr. to provide legal services in connection with Workers Compensation claims, litigation, and related assignments.

The original contract was entered into in November 1996. It has been supplemented twice to provide additional sums to continue the representation of the City on these issues. This third amendment to the original contract extends the term of the contract through December 31, 2001.

This supplemental agreement provides authority for an additional \$60,000.00. The charges are reasonable in amount for the legal services involved. Payment will be from the Workers Compensation fund.

The appropriate means to approve the additional payment is an Amendment to the original contract, raising the expenditure limit and extending the time for the services to be provided.

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Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

DESIGN SERVICES DESIGN SERVICES AGREEMENT FOR REMINGTON PLACE ADDITION – EAST OF WEBB, SOUTH OF 21ST STREET. (District II)

Agenda Report No. 01-1198.

The City Council approved the project on April 24, 2001.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond financed improvements in Remington Place Addition. Per Administrative Regulation 7a, staff recommends the selection of PEC because PEC provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$95,000, and will be paid by special assessments.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

NAMING FACILITIES NAMING OF SELECTED CITY FACILITIES.

Agenda Report No. 01-1199.

The City Council's Policy (#13) specifies the requirements for naming public facilities, "...in accordance with the intended use and, where appropriate, to recognize distinguished citizens by naming public facilities in their memory."

The Facilities Naming Committee has met and made three recommendations to the Mayor and City Council. Two of the recommendations were acted upon at the September 18, 2001, City Council meeting. The third recommendation is presented to the Mayor and City Council.

Between 1955 and 1963, the City of Wichita went through a very critical stage that transformed development policy and forever changed the outlook and skyline of the City. Mr. Carl A. Bell, Jr.'s bold leadership as Mayor, during these transitional years, was critical to the City's economic development and environmental concerns. Mayor Bell's aggressive development plan for the City is best described in four phases: 1) The challenge of growth; 2) The need for a better municipal water supply; 3) An aggressive annexation policy; and 4) The need for a new downtown "auditorium" and library. His leadership to resolve these concerns remains evident today.

It is the unanimous recommendation of the Committee, that Mr. Carl A. Bell, Jr., be recognized by the City of Wichita for his outstanding lifetime accomplishments in this community by naming the Convention Hall at Century II in his honor.

Motion -- Knight moved that the City Council approve naming the Convention Hall in Century II the "Carl A. Bell, Jr. Convention Hall." Motion carried 7 to 0.
-- carried

VOICE STREAM IRB IRB SERIES IV 2000 VOICE STREAM – ASSIGNMENT OF LEASE.

Agenda Report No. 01-1200.

In 2000 the City issued its Taxable Industrial Revenue Bonds, Series IV-A and IV-B, 2000, to finance facilities to be leased to VS Property, LLC, for the benefit of Voicestream Wireless Corporation (as sublessee). At the time, Net Fund I, Ltd., the purchaser of the Series IV-A (senior) Bonds, anticipated that it might desire to assume the Lease from VS Property, LLC, at some point after the project was

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completed. In Section 9.3 of the Lease, the City agreed that it would consent to a subsequent assignment of the Lease to the Owner of 100% of the Series IV-A Bonds (Voicestream Wireless Corporation will remain the sublessee and continue to operate the facility).

The result of the Assignment is to put the senior Bondholder in a direct Lessee/sublessee relationship with the subtenant, which is the ultimate source of the payment stream that covers debt service on the Bonds. It will not change the position of the City with respect to the Lease or the Bonds, and Voicestream Wireless Corporation will remain the subtenant and operator of the facilities.

The proposed Assignment will involve no additional cost to the Trustee or to the City.

The Trustee has furnished a letter confirming that the assignee, Net Fund I, Ltd., remains the registered holder of 100% of the Series IV-A, 2000 Bonds.

Motion --
-- carried

Knight moved that assignment of the Lease be approved and the necessary signatures be authorized. Motion carried 7 to 0.

FIREFIGHTERS

ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM AWARD.

Agenda Report No. 01-1201.

The Defense Authorization Bill for FY 2001 authorized the Federal Emergency Management Agency (FEMA) to make \$90 million in grants to fire departments. An estimated \$39 million is being made available to paid departments. Funding is eligible for six specific categories, including: training, fitness programs, vehicles, firefighting equipment, protective equipment and prevention programs. On April 24, 2001, the Council approved the submittal of an application for grant funds.

The City applied for \$176,355 in grant funds in the protective clothing and prevention programs categories. On August 20, 2001 the Federal Emergency Management Agency (FEMA) announced the award of the Assistance to Firefighters Grant Program for Personal Protective Equipment to the Wichita Fire Department. This award will be used primarily to purchase Self Contained Breathing Apparatus (SCBA) units for firefighters and one SCBA tester.

The Federal Emergency Management Agency award of \$106,354.50 will require a local match of \$45,580.50. Funding is included in the 2001 Revised budget in appropriated General Fund reserves.

Motion --
-- carried

Knight moved that acceptance of FEMA's Assistance to the Firefighters Grant Program for Personal Protective Equipment be approved and the necessary signatures be authorized. Motion carried 7 to 0.

TRAFFIC

2002 KANSAS CLICKS SPECIAL TRAFFIC ENFORCEMENT PROGRAM.

Agenda Report No. 01-1202.

The Bureau of Traffic Safety - Kansas Department of Transportation (KDOT), has awarded the City of Wichita \$35,493 under the Kansas Clicks Special Traffic Enforcement Program (STEP). The STEP program is designed to help local law enforcement officers dedicate time and resources to ensure citizens are wearing safety belts, in an effort to increase usage and reduce traffic injuries and fatalities in Kansas. This is the second year for the program and the first year of participation for the Police Department, which will emphasize safety belt enforcement during four specific periods: Thanksgiving and Christmas/New Year holidays, Child Passenger Safety Week, and Labor Day.

During 2000, the Police Department issued 11,905 citations for seat belt violations and 1,429 citations for child passenger safety violations. As of July 2001, the Department recorded 4,930 traffic accidents, a one percent increase compared to the same period in 2000. There were 10 recorded fatality accidents in 2000 and 13 fatality accidents through July 2001. Increased enforcement and education will potentially reduce the number of fatality accidents and increase awareness of the seat belt law.

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The City of Wichita has been awarded \$35,493 by the KDOT, which will reimburse the Police Department for overtime incurred while performing safety belt surveys and enforcement work during the designated weeklong mobilizations. No local match is required.

Motion --
-- carried

Knight moved that acceptance of the Grant Award be approved and the necessary signatures be authorized. Motion carried 7 to 0.

BUDGET

TRANSFER OF FUNDS – WATER UTILITY.

Agenda Report No 01-1203.

Budget reallocations within the Water Utility are necessary to meet higher than anticipated distribution system and customer service costs.

The cost of pavement repairs associated with main breaks is the largest single cause of the budget shortfall. The estimated amount over-budget through year-end is \$175,000. The pavement-cut fee is paid to Public Works, and includes the direct cost of repairing the street, plus a surcharge for anticipated future maintenance and replacement cost if the street is less than five years old. The amount spent for pavement repairs increases each year. The cost per repair depends on the size of the cut, the type and condition of the street, and the type of main break. The type and location of the leak can increase the cost of repair.

Other cost increases have been noted in the Water Distribution budget due to the strain the summer's high temperatures placed on the distribution system. Additional parts needed are estimated at \$175,000 through year-end just to meet emergency needs. Postage costs are approximately \$66,000 higher for 2001 than anticipated.

The department is making all possible cost reductions to meet the adopted budget. The meter replacement program will be suspended until 2002. Service installations, usually performed by outside contractors, will be performed by City crews. Raising meter box lids to grade on overtime will be suspended. The Department has deferred non-essential capital and contractual purchases until 2002.

Staff analysis shows a reallocation of \$939,000 will provide sufficient budget authority to meet operational needs through year-end. Staff's actions to live within the budget will include the following:

- \$11,000 from personal services savings in Administration
- \$56,000 from personal services savings in Production & Pumping
- \$69,000 from personal services savings in Operational Capital Replacements
- \$13,000 from contractual savings in Production & Pumping
- \$45,000 from commodities savings in Customer Service
- \$6,000 from commodities savings in System Planning
- \$275,000 from commodities savings in Operational Capital Replacements
- \$120,000 from commodities savings in Production & Pumping
- \$3,500 from capital outlay in Administration (deferred until 2002)
- \$18,900 from capital outlay in Customer Service (deferred until 2002)
- \$76,200 from capital outlay in Water Distribution (deferred until 2002)
- \$145,400 from capital outlay in Production & Pumping (deferred until 2002)
- \$100,000 from contingency
- Total \$939,000

The use of funds will be reallocated, as follows:

- \$153,000 for personal services in Customer Service
- \$66,000 for mailing costs in Customer Service
- \$100,000 for new service installations in Distribution
- \$175,000 for pavement cuts in Distribution
- \$175,000 for stock transfers to Distribution (use of inventoried parts)
- \$52,000 for personal services in System Planning

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- \$218,000 for contractals in Operational Capital Replacements
- Total \$939,000

The capital items forgone in 2001 will need to be purchased in 2002. Additionally, some of the cost control measures will defer 2001 contractual and commodity costs into the 2002 budget year. All line items in the Water Utility budget will be reassessed during 2002.

City Council approval is required for budget transfers of \$10,000 or more. The Finance Department concurs with the Water Department assessment.

Motion -- carried

Knight moved that the transfer of \$939,000 in budget authority be approved. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF 1701 EAST MACARTHUR: SOUTH HYDRAULIC IMPROVEMENT PROJECT. (District III)

Agenda Report No. 01-1204.

South Hydraulic from MacArthur to 57th Street South was declared a major trafficway by City Council action on February 27, 2001. The improvements required to upgrade Hydraulic near the intersection with MacArthur will require the partial acquisition of four tracts. One of the tracts required is a portion of 1701 East MacArthur, owned by T.J. of Kansas, Inc. The property contains 26,325 square feet and is improved with a 1,421 square foot commercial building.

The planned improvement of Hydraulic will require 1,362.5 square feet along the west side of the property. This area is currently paved parking. The cost to replace the paving, pay for the land and relocate sign is estimated at \$13,585. This amount was offered to the owner and accepted.

Funds have been budgeted in the Capital Improvement Program for acquisitions for this project. The funding source will be General Obligation Bonds. A budget of \$14,500 is requested. This includes \$13,585 for the acquisition, and \$915 for closing costs and title insurance.

Motion --

-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF LAND BETWEEN GREENWICH ROAD AND K-96 IN THE 1700 BLOCK NORTH – NORTHEAST SEWER PROJECT. (District II)

Agenda Report No. 01-1205.

The City Council has approved the construction of force mains, pump stations, and gravity-flow sewer lines to serve northeast Wichita. This project acquisition of land for pipe placement between Greenwich Road and K-96 at approximately 1700 block north.

The tract in question is about 100 feet wide and contains approximately 215,000 square feet. The owner has agreed to grant the City an easement over and upon this parcel for utility purposes for \$75,000 (\$.34 per square foot).

A budget of \$75,000 is requested. This includes \$75,000 for the acquisition, and \$1,000 for closing costs and title insurance.

Motion --

-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

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(Addendum Item 21c)

PROPERTY ACQ.

ACQUISITION OF LAND NEAR 2300 NORTH COOLIDGE. (District VI)

Agenda Report No. 01-1209.

The City Council has previously reviewed and approved the Fire Station Location Study. The study anticipates the relocation of eight existing fire stations and the construction of two new stations during the next ten years. A review of possible sites has been underway and the first four sites have been acquired.

A City staff team consisting of representatives from the Fire Department, Finance, and City Manager's Office conducted a review of multiple sites. A site on east side of Coolidge in the 2300 Block North has been selected pursuant to the requirements of the Fire Station Location Study. The site is improved with a small building that will need to be removed.

A budget of \$415,000 is requested. This includes \$400,000 for the acquisition, \$10,000 for demolition and \$5,000 for surveys, title insurance and miscellaneous closing costs. Funding for the land acquisition is included in the adopted Capital Improvement Program.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 01-434

A Resolution authorizing the issuance of General Obligation Bonds by the City of Wichita to pay all or a portion of the costs of acquiring property generally located in the 2300 Block of North Coolidge in Wichita, Sedgwick County, Kansas, for the purpose of locating a fire station, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

PROPERTY DISP.

SALE OF 1041 WABASH. (District I)

Agenda Report No. 01-1206.

1041 Wabash is a City-owned unit in the Infill Housing Program. The Infill Housing Program was implemented to preserve existing housing stock while improving and stabilizing older neighborhoods. The home at 1041 Wabash was moved and rehabilitated as one of the houses from the McLean Boulevard Widening. The property was listed for sale with a Realtor in August 2000 after other attempts to sell the property failed. The Realtor listed the home at (\$25,000), based on a market analysis.

1041 Wabash is a two bedroom dwelling, with 832 sq. ft. of living space. This home was purchased by the City of Wichita to complete the McLean Boulevard Widening Project. It was moved and rehabilitated with the intentions to sell to an owner-occupant.

Housing Services Department's Neighborhood Improvement Services has received an offer of \$22,500. The buyer will receive a first mortgage loan in the amount of \$11,250. The City will carry-back \$10,125 in the form of a zero-interest deferred loan, payable upon sale of the property or when the buyer no longer resides in the unit. The buyer will be paying the sum of \$1,125 at closing bringing the total sale price to \$22,500.

1041 Wabash is legally described as Lots 32-34, Deam's Addition. The sale contract will be approved as form by the City Law Department.

Motion --
-- carried

Knight moved that sale and Contracts be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

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ORDINANCES

SECOND READING ORDINANCES: (FIRST READ OCTOBER 16, 2001)

(Agenda Item 21a)

- a) Wichita Public Building Commission (WSU) Refunding Revenue Bonds.

ORDINANCE NO. 45-125

An Ordinance of the governing body of the City of Wichita, Kansas, designating the use of a portion of the special ad valorem tax levy made under the authority of K.S.A. 76-3A07 and Charter Ordinance No. 8, as authorized and permitted by K.S.A. 12-1757, Et Seq., as amended and supplemented by Charter Ordinance Nos. 107, 149 and 162 of the City, read for the second time. Pisciotte moved that the Ordinance be placed upon its passage and adopted, with publication contingent upon passage by the Board of County Commissioners of Sedgwick County, Kansas, of a Resolution pledging a portion of the County's share of special levy proceeds as necessary to guaranty rentals under the lease entered into in conjunction with the issuance of the refunding bonds. Motion carried 7-0.

- b) Purchase of two (2) replacement trolleys.

ORDINANCE NO. 45-126

An Ordinance determining the necessity for acquiring two new heavy duty trolley buses for the City of Wichita's Metropolitan Transit Authority and providing that the cost of said acquisition shall be paid by the City of Wichita, Kansas, at large through the issuance of General Obligation Bonds of the City of Wichita, Kansas, under the authority of Charter Ordinance No. 143 of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- c) Employee's Retirement System - transfer of functions between City of Wichita and Sedgwick County – Health Department.

ORDINANCE NO. 45-127

An Ordinance amending Sections 2.28.040, 2.28.120, 2.28.250, 2.28.260 and creating Section 2.28.045 of the Code of the city of Wichita, Kansas, pertaining to other governmental service as it relates to the Wichita Employees' Retirement System and repealing the originals of said Sections, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- d) PUD 2001-00003 – Located on the south side of Second Street, east of Sheridan. (District IV)

ORDINANCE NO. 45-128

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. (PUD 2001-00003)

- e) HPC2001-00117 – Wichita Register of Historic Places Landmark Designation for Edward Michael Kelly Residence at 1711 North Market. (District VI)

ORDINANCE NO. 45-129

An Ordinance designating as a historic landmark certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010 and Section 2.12.1018, as amended. read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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- f) A01-17 – Located at Southeast Corner of 21st Street North and 127th Street East. (District II)

ORDINANCE NO. 45-130

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. A01-17

WATER PROJECTS (FEBRUARY 2002 BOND SALE)

- a) (470-652/734982/448-89022)

ORDINANCE NO. 45-068

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89022 to serve Forest Lakes Addition, (north of 29th Street North, west of Ridge Road), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- b) (470-654/734984/448-89204)

ORDINANCE NO. 45-069

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89204 to serve Forest Lakes West Addition, (north of 29th Street North, east of Tyler Road), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- c) (470-651/734981/448-89222)

ORDINANCE NO. 45-070

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89222 to serve Industrial Air Center and Industrial Air Center Second Additions, (north of 37th Street North, west of Webb Road), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- d) (470-656/734986/448-89280)

ORDINANCE NO. 45-071

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89280 to serve Buckhead Third Addition, (north of Central, west of 119th Street West), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- e) (470-647/734977/448-89397)

ORDINANCE NO. 45-072

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-

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89397 to serve Huntcrest Second Addition, (south of Harry, east of Webb Road), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

f) (470-637/734967/448-89398)

ORDINANCE NO. 45-073

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89398 to serve Smithmoor Ninth Addition, (south of Harry, west of Greenwich Road), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

g) (470-653/734983/448-89400)

ORDINANCE NO. 45-074

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89400 to serve Smithmoor Ninth Addition, (south of Harry, west of Greenwich Road), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

h) (470-606/734936/448-89417)

ORDINANCE NO. 45-075

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89417 to serve the following Additions: Chris-Clear, Roy Cox, Crease Second, Springs Second, Hansel, Rainbow Estates, Winter, Bone's South Seneca Gardens, Clarkdale Subdivision, Second and Third Clarkdale Subdivisions, and Unplatted Tracts of land located in Sections 29 and 30, Township 28 South and Range 1 East, (along Seneca, between 63rd Street South and 55th Street South), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

i) (470-621/734951/448-89445)

ORDINANCE NO. 45-076

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89445 to serve Unplatted Tracts in Section 29, Township 28 South, Range 1 East, (south of 55th Street South, east of Seneca), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

j) (470-620/734950/448-89446)

ORDINANCE NO. 45-077

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89446 to serve the following Additions: Vandale, Replat of Vandale Annex, Chamberlain' Second Sub. of Vandale and Gorrell's Sub. of Vandale, (west of Broadway, south of 55th Street South), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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k) (470-627/734957/448-89451)

ORDINANCE NO. 45-078

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89451 to serve Jones Park Addition, (south of 37th Street North, east of Arkansas), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

l) (470-642/734972/448-89464)

ORDINANCE NO. 45-079

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89464 to serve Hoskinson Second Addition, (west of Ridge Road, south of 37th Street North), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

m) (470-645/734975/448-89482)

ORDINANCE NO. 45-080

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89482 to serve Fruitvale Park Addition, (east of Hoover, south of Central), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

n) (470-644/734974/448-89483)

ORDINANCE NO. 45-081

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89483 to serve Clubhouse Villas at Legacy Park Wilson Estates Addition, (south of 21st Street North, west of Webb Road), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

o) (470-649/734979/448-89485)

ORDINANCE NO. 45-082

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89485 to serve Springdale Lakes Addition, (south of Kellogg, east of 127th Street East), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

p) (470-650/734980/448-89489)

ORDINANCE NO. 45-083

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89489 to serve Evergreen and Evergreen Second Additions, (north of 21st Street North, west of Maize

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Road), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

q) (470-657/734987/448-89491)

ORDINANCE NO. 45-084

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89491 to serve Killenwood Pointe Addition and Unplatted Tract adjacent to south line of Killenwood, (south of 13th Street North, east of Greenwich Road), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

r) (470-658/734988/448-89495)

ORDINANCE NO. 45-085

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89495 to serve Killenwood Pointe Addition, (south of 13th Street North, east of Greenwich Road), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

s) (470-664/734994/448-89515)

ORDINANCE NO. 45-086

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89515 to serve Auburn Hills 12th Addition, (west of 135th Street West, south of Maple), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

t) (470-670/735000/448-89526)

ORDINANCE NO. 45-087

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89526 to serve Cedar View Second Addition, (north of Lincoln, east of Greenwich Road), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

u) (470-672/735002/448-89537)

ORDINANCE NO. 45-088

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89537 to serve White Tail Addition, (south of 13th Street North, west of 127th Street East), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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v) (470-679/735009/448-89562)

ORDINANCE NO. 45-089

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89562 to serve the O'Dell-White Addition, (south of Maple, west of 135th Street West), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

SEWER PROJECTS (FEBRUARY 2002 BOND SALE)

a) (480-539/743851/468-82230)

ORDINANCE NO. 45-090

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 78. Sanitary Sewer No. 23, to serve Industrial Air Center Addition, (north of 37th Street North, west of Webb Road), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

b) (480-236/741447/468-82272)

ORDINANCE NO. 45-091

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 125, Main 4, Sanitary Sewer No. 23, to serve P.M.T. Addition and Unplatted Tract located in Section 29, Township 26 South, Range 1 East, (South of 37th Street North, east of Seneca), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

c) (480-542/743854/468-82768)

ORDINANCE NO. 45-092

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 383, Southwest Interceptor Sewer, to serve Forest Lakes West Addition, (north of 29th Street North, east of Tyler Road), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

d) (480-525/743837/468-82865)

ORDINANCE NO. 45-093

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 405, Southwest Interceptor Sewer, to serve Y.M.C.A. South Addition, (south of 31st Street South, west of Meridian), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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e) (480-540/743852/468-83053)

ORDINANCE NO. 45-094

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 64, Main 9, Sanitary Sewer No. 23, to serve Comotara Industrial Park Fourth Addition, (west of Webb Road, south of 37th Street North), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

f) (480-535/743847/468-83055)

ORDINANCE NO. 45-095

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 32, District E, Sanitary Sewer No. 12, to serve Power C.D.C. Addition, (south of 21st Street North, east of Hydraulic), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

g) (480-514/743826/468-83061)

ORDINANCE NO. 45-096

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 139, Main 4, Sanitary Sewer No. 23 to serve an Unplatted Tract in Section 32, Township 26 South, Range 1 East, (south of 37th North, west of Broadway), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

h) (480-519/743831/468-83062)

ORDINANCE NO. 45-097

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 2, Main 26, War Industries Sewer, to serve Regency Park Addition, (west of Greenwich Road, north of K-96), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

i) (480-523/743835/468-83083)

ORDINANCE NO. 45-098

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 32, Main 1, Cowskin Interceptor Sewer, to serve Unplatted Tracts in Section 19, Township 27 South, Range 1 West, (north of Maple, west of Maize Road), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

j) (480-545/743857/468-83090)

ORDINANCE NO. 45-099

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 448, Southwest Interceptor

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Sewer, to serve Hoskinson Second Addition, (west of Ridge Road, south of 37th Street North), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

k) (480-534/743846/468-83116)

ORDINANCE NO. 45-100

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Main 11, Sanitary Sewer No. 23, to serve Sawmill Creek Addition, (east of Rock Road, north of 45th Street North), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

l) (480-531/743843/468-83119)

ORDINANCE NO. 45-101

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 33, Main 24, War Industries Sewer, to serve Legacy Park Wilson Estates Addition, (south of 21st Street, west of Webb Road), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

m) (480-533/743845/468-83120)

ORDINANCE NO. 45-102

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 457, Southwest Interceptor Sewer, to serve an Unplatted Tract of Land in Section 13, Township 28 South, Range 1 West, (west of Meridian, north of 47th Street South), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

n) (480-543/743855/468-83128)

ORDINANCE NO. 45-103

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 459, Southwest Interceptor Sewer, to serve Cessna and C.E.C.U. Additions and Unplatted Tract No. 1 and No. 2, located in Section 3, Township 28 South, Range 1 West, (south of K-42, east of Ridge Road), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

o) (480-538/743850/468-83147)

ORDINANCE NO. 45-104

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 461, Southwest Interceptor Sewer, to serve Evergreen and Evergreen Second Additions, (north of 21st Street, west of Maize Road), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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p) (480-548/743860/468-83174)

ORDINANCE NO. 45-105

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 25, Cowskin Interceptor Sewer, to serve Fawnwood Addition and Unplatted Tract "A" and "B" in Section 26, Township 27 South, Range 2 West, (west of 135th Street West, North of Kellogg), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

q) (480-550/743862/468-83188)

ORDINANCE NO. 45-106

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 1, Main 1, Northwest Interceptor Sewer, to serve Newmarket Square, Tract 1 Addition, (north of 21st, west of Maize Road), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

STORM WATER SEWER PROJECTS (FEBRUARY 2002 BOND SALE)

a) (485-178/751287/468-83033)

ORDINANCE NO. 45-107

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Storm Water Sewer No. 527 to serve Highland Springs Second Addition, (west of 135th Street West, south of Central), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

b) (485-173/751282/468-83046)

ORDINANCE NO. 45-108

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Storm Water Sewer No. 150 to serve Angel Acres Addition, (west of Meridian, north of 47th Street South), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

c) (485-179/751288/468-83104)

ORDINANCE NO. 45-109

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Storm Water Drain No. 153. to serve West Ridge Estates Addition, (south of 29th Street North, east of 119th Street West), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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PAVING PROJECTS (FEBRUARY 2002 BOND SALE)

ORDINANCE NO. 45-110

a) An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of 29th Street North from the west line of Topez Circle to the west line of Pepper Ridge (Project No. 490-547/764449/472-82836), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE NO. 45-111

b) An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Hickory, Birch, Firefly, Firefly Circle, and; sidewalk along the north and south side of Hickory, and along the south side of Birch, and along the west side of Firefly (Project No. 490-761/765650/472-82947), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE NO. 45-112

c) An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of decel lane on the west side of Meridian Avenue from 210 feet south of the centerline of 33rd Street South to 390 feet south of the centerline of 33rd Street South (Project No. 490-630/765289/472-82951), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE NO. 45-113

d) An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of south one-half of 33rd Street South from the west line of Gordon to the west line of Meridian (Project No. 490-631/765297/472-82952), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE NO. 45-114

e) An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Mount Vernon from the east line of Lot 21, Block 7, to the east line of Lot 3, Block 5; Longlake Street from the north line of Mount Vernon to the east line of Lot 10, Block 5, and; Mount Vernon Court from the north line of Lot 22, Block 7, Smithmoor Ninth Addition, south to and including cul-de-sac (Project No. 490-746/765635/472-83108), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE NO. 45-115

f) An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Cherry Hill Circle, Castle Pines Street, Castle Pines Branch, and; sidewalk on the south and west sides of Castle Pines Street from the east line of Cherry Hill Circle to the east line of Barton Creek Drive (Project No. 490-709/765598/472-83119), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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ORDINANCE NO. 45-116

g) An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Shefford, Shefford Circle, Shefford Court, Neville, Neville Court (Project No. 490-737/765626/472-83125), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE NO. 45-117

h) An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Highland Springs, Aksarben, Remington Lane, Highland Springs Court, Remington Court; and sidewalk along both sides of Highland Springs and on one side of Aksarben (Project No. 490-741/765630/472-83142), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE NO. 45-118

i) An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Angel from the west line of Meridian to the east line of the drainage easement on Lot 1, Block 5; Edwards from the south line of angel to the south line of Lot 8, Block 4; Edwards Circle and Angel Court from the north line of angel to and including the cul-de-sacs (Project No. 490-722/765611/472-83154), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE NO. 45-119

j) An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving Churchill Circle from the east line of Red Brush to and including the Loop; Churchill Courts from the north, east, south line of Churchill Circle to and including the cul-de-sacs, Wilson Farms Second Addition (Project No. 490-730/765619/472-83182), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE NO. 45-120

k) An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Regency Park from the north line of 25th Street North to the west line of Lot 5, Block 1; 26th Street North from the west line of Greenwich Road to the west line of Regency Park, and; 26th Street North Circle form the west line of Regency Park serving Lots 8, 9, and 10, Block 1, to and including the cul-de-sac (Project NO.490-732/765621/472-82186), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE NO. 45-121

l) An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Byron Court from the west line of Byron Street, west and south to and including the cul-de-sac (Project No. 490-738/765627/472-83206), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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ORDINANCE NO. 45-122

m) An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Topeka from the north line of Murdock to the north line of Emporia, and traffic signal modifications (Project No. 490-739/765628/472-83208), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE NO. 45-123

n) An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of decel lane left turn lanes in 21st Street north from the northwest corner of Lot 1, block 1, to the northeast corner of Lot 1, Block 1 (Project No. 490=743/765632/472-83231), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE NO. 45-124

o) An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Hoover Court from the west line of Hoover Avenue, west to and including the cul-de-sac (Project No. 490-754/765643/472-83244), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

PLANNING AGENDA

Motion --
-- carried

Knight moved that the Planning Agenda, except Item 24, be approved as consensus Items. Motion carried 7 to 0.

(Agenda Item No. 24)
SUB2001-00050

SUB2001-00050 – PLAT OF NIES FOURTH ADDITION – ON THE NORTHEAST CORNER OF PAWNEE AND WEBB ROAD. (District II)
(This Item was withdrawn from the Agenda)

A01-19

A01-19 – ANNEXATION OF LAND AT NORTHEAST CORNER OF PAWNEE AND WEBB ROAD. (District II)

Agenda Report No. 01-1208.

The City has received a request to annex approximately 5.1 acres situated at the northeast corner of Pawnee and Webb Road. The site abuts the City of Wichita to the west. The property owner is planning to develop the site with 49,000 sq/ft of commercial and office buildings. The staging of development has been planned over multiple years, with 100% of development projected to occur within five (5) years.

Land Use and Zoning: The annexation site is presently in agricultural use and consists of one (1) undeveloped tract of land. The current zoning of the proposed annexation site is a mix of “SF-20” Single Family Residential, “LC” Limited Commercial, and “OW” Office Warehouse (a request to rezone prior to the annexation request was approved by the Sedgwick County Board of County Commissioners). The “SF-20” Single Family Residential zoning will automatically convert to “SF-5” Single Family Residential upon annexation. Land east and north of the site is zoned “SF-20” Single Family Residential, while property west of the site is developed with residential properties and is zoned

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“SF-5” Single Family Residential. The area to the south of the site is zoned “LC” Limited Commercial. A final plat for the proposed annexation area is currently pending approval by the Wichita City Council.

Public Services: The City Water and Sewer Department indicates that the subject property proposed for annexation will likely connect to either a 20” water main along Webb or a 16” water main being extended from Webb Road east toward Greenwich by the end of this year. City at-large revenues will pay for the cost of this water main extension, with adjacent properties that are platted paying the equivalent cost of an 8” water main extension. For sewer, it is anticipated that the development will connect to the 4-Mile Creek Sewer system owned by the City of Wichita.

Street System: The property proposed for annexation will have access to Webb Road, which serves the area as the nearest major north-south road, and Pawnee, which serves the area as the nearest major east-west road. Webb Road is a four-lane arterial, while Pawnee is a two-lane arterial. At the present time, Webb Road from Pawnee north to Harry is currently being reconstructed and is scheduled to be completed by the end of the year. There are no other plans to further improve these sections of road in either the 2001-2010 City of Wichita Capital Improvement Plan (C.I.P.) or the 2002-2006 Sedgwick County Capital Improvement Program (C.I.P.).

Public Safety: The Wichita Fire Department can serve this site within a six (6) to eight (8) minute approximate response time from City Station #15 located at the intersection of Lincoln and Rock Rd. According to the 2001-2010 City of Wichita Capital Improvement Plan (C.I.P.), this station will be relocated to the intersection of Harry and Webb Road, with construction to begin in 2002. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 S. Edgemoor.

Parks: Towne Park is located approximately 1 mile southwest and W.B. Harrison Park is located approximately 1.5 miles north of the property proposed for annexation. The property proposed for annexation is within the service boundary of Harrison Park, but not Towne Park.

School District: The property is located in Unified School District 259 (Wichita School District). Annexation will not change the school district.

Comprehensive Plan: The property is also located within the Wichita 2010 and 2030 urban service area, as depicted in the 1999 Update to the Comprehensive Plan, adopted last year by the City Council.

The property proposed for annexation has not yet been platted. The total assessed value of the property is \$890. The future assessed value of this property will depend on the timing of development, the type of development, and the current mill levy. However, the applicant projects an overall appraised value of \$2,345,968 when development is completed, resulting in an assessed value of \$586,492. Assuming the current City levy remains about the same (\$31.406/\$1000 x assessed valuation), this would roughly yield \$18,419 in City annual tax revenues.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion --
-- carried

Pisciotte moved that the annexation be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A01-19

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EXECUTIVE SESSION

Motion -- Knight moved that the City Council recess and move to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to legal advice and preliminary discussions on the acquisition of real property for public purposes; and to return no later than 11:20 a.m.

-- carried

RECESS Recessed at 11:11 a.m. and returned at 11:17 a.m.

Mayor Knight Mayor Knight announced that no action was necessary as a result of the executive session.

ADJOURNMENT The City Council meeting adjourned at 11:17 a.m.

Pat Burnett CMC
City Clerk

12:00 P.M. COUNCIL MEETING WITH SEDGWICK COUNTY COMMISSION AND U.S.D. 259
SCHOOL BOARD